

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM-9332

1

ITA enjoys the support of a membership including more than 2,100 licensed two-way land mobile radio communications users, private mobile radio service (PMRS) oriented radio dealer organizations, and the following trade associations:

Alliance of Motion Picture and Television Producers
Aeronautical Radio, Inc.
National Propane Gas Association

In addition, ITA is affiliated with the following independent market councils: the Council of Independent Communications Suppliers (CICS), the Taxicab & Livery Communications Council (TLCC), the Telephone Maintenance Frequency Advisory Committee (TELFAC), and USMSS, Inc.

ITA's extensive involvement with the private land mobile industry expands into many services including: application preparation for public safety and first responders; coordination and engineering services for industrial/business users, commercial licensees under Part 90 of the Commission's rules, and PMRS radio dealers; protection of petroleum service users through a contractual agreement with the American Petroleum Institute; an industry liaison for equipment manufacturers and end users, as well as band managers and end users; the Commission's first line of post-licensing, interference resolution; and various other services.

II. Background

On February 25, 2003, the Commission released its *Second Report and Order and Second Further Notice of Proposed Rulemaking* (2nd R&O or Order), which included several deadlines for the migration of land mobile operations to 12.5 kHz technology.⁴ The Commission, in the 2nd R&O, determined that equipment manufacturers and private land mobile licensees in the 150-174 and 421-512 MHz bands must meet the following deadlines to achieve

⁴ 2nd R&O.

the goal of 12.5 kHz operation: (1) no new applications would be accepted for wideband systems after January 13, 2004; (2) no modification applications expanding the existing contour of a wideband license would be accepted after January 13, 2004; (3) 25 kHz equipment will not be type-certified after January 1, 2005; (4) the manufacture and importation of 25 kHz equipment will be prohibited after January 1, 2008; (5) non-public safety licensees must migrate to narrowband equipment by January 1, 2013; and (6) the deadline for migration of public safety systems should be complete by January 1, 2018.⁵

On August 18, 2003, nineteen Petitions for Reconsideration of this Order were filed with the Commission, including a Petition (Joint Petition) filed by the American Mobile Telecommunications Association (AMTA), the Industrial Telecommunications Association, Inc. (ITA) and PCIA – The Wireless Infrastructure Association (PCIA) (AMTA, ITA and PCIA, collectively, Petitioners), which urged the Commission to: (1) accelerate the non-public safety date certain to January 1, 2008; (2) eliminate the manufacturing deadlines (type-certification, manufacture and importation) to become congruent with the final date certain; (3) permit modification applications for existing wideband licensees up to the January 1, 2008, date; and (4) consider the Public Safety Wireless Network's (and subsequently, the Association of Public-Safety Communication Officials' (APCO)) proposal to move the public safety conversion date up to 2013.⁶ The Commission is now seeking comments on the Joint Petition, among others.

III. Discussion

ITA applauds the Commission's efforts to maximize spectral efficiency in the land mobile bands and supports its goal of migrating private wireless users to narrowband operations.

⁵ 2nd R&O at ¶ 12.

⁶ See Petition for Reconsideration of the American Mobile Telecommunications Association, the Industrial Telecommunications Association, Inc., and PCIA – The Wireless Infrastructure Association, WT Docket No. 99-87, RM-9332, August 18, 2003 (Petition).

ITA, however, believes that that the lengthy timeframe given to the non-public safety community for migration, at ten years, is unnecessarily protracted and the staggered compliance dates provide further uncertainty and insecurity in industry; *thus, an earlier date and streamlined deadlines would be in the public interest.* Land mobile channels are extremely congested today and any relief that would proliferate additional spectrum for land mobile use after the completion of the narrowband migration would be highly valuable to incumbent users and spectrum seekers in the 150-174 and 421-512 MHz bands. With these principles, ITA provides these Comments in support of its Joint Petition.

As noted in the Joint Petition, the non-public safety, land mobile community has long been aware of the impending date certain to narrowband operation.⁷ The Joint Petition notably asserts that an earlier conversion would not technically, operationally or financially disadvantage private wireless licensees, as preparation for the migration to narrowband operations has been occurring for years and the equipment required for narrowband operation has been in the hands of end users for approximately six years.⁸ Noting the “values and benefits of increased capacity” caused by narrowbanding, the Rural/Metro Corporation supported the proposed accelerated private wireless and public safety date certain, stating that “these dates provide sufficient time for licensees to plan for the efficient migration of their wideband systems to 12.5 kHz systems.”⁹ ITA concurs; these dates aptly balance the delicate trade-off between the need for spectral efficiency in the private land mobile services and the potential burdens that may occur during the transition.

⁷ Petition at p. 5-9.

⁸ Petition at p. 5.

⁹ See Rural/Metro Corporation’s Comments on Petitions on Reconsideration, WT Docket No 99-87, September 25, 2003, at p. 4 (Rural/Metro Comments).

A couple of other commenters, on the other hand, remain skeptical, especially regarding the conversion in rural areas. The American Petroleum Institute, although previously on record supporting a five-year conversion for the top 50 markets, and the Private Wireless Mining Coalition oppose the adoption of an earlier date certain in rural areas.¹⁰ While these commenters imply that spectrum congestion is not a dire problem in rural areas, as it is in urban areas, spectrum availability in the private land mobile radio services continues to wane, if not disappear, in all areas throughout the nation. Furthermore, industry would benefit from streamlined dates for rural and urban areas alike. With two separate standards in industry, licensees could become confused as to which deadline applies to their operations.¹¹ In addition, rural licensees using 25 kHz equipment after an urban deadline may find it difficult seeking the appropriate service support (including efforts to find replacement parts or equipment) for its 25 kHz network if others in industry have already transitioned to 12.5 kHz solutions. Thus, streamlined dates for the conversion will create simplicity for the land mobile industry and ensure that equipment and service will be available to all licensees.

The Association of American Railroads argue that railroads will require more time to complete the conversion to narrowband operations due to the number of railroad radios in continuous operation and interoperability, both among U.S. and Canadian railroads.¹² Should the Commission determine that the railroad industry is indeed exempt from narrowbanding deadlines, ITA urges the Commission not to stifle more efficient private land mobile operations

¹⁰ See Partial Opposition to the Petition for Reconsideration of AMTA, ITA and PCIA by the American Petroleum Institute, WT Docket No. 99-87, September 25, 2003 (API Partial Opposition); Private Wireless Mining Coalition Opposition to the Petition for Reconsiderations of the American Mobile Telecommunications Association, et al., WT Docket No. 99-87, September 25, 2003.

¹¹ Another potential obstacle may be the use of 25 kHz equipment at the rural edge of an urban area, which effectively eliminates the very goal for this proceeding.

¹² Opposition to Petition for Reconsideration by the Association of American Railroads, WT Docket No. 99-87, September, 25, 2003.

through narrowbanding based on the outlying needs of a single constituency.¹³ Waiver relief could be sought by aggrieved licensees who cannot complete the migration before their respective date certain.¹⁴ These case-by-case issues, nevertheless, should not stand as a roadblock to more spectral efficiency in the private land mobile radio services.

We further believe that the Commission should protect private land mobile entities by eliminating the interim manufacturing deadlines (or making them concurrent with each licensee's final date certain) so that licensees may enjoy continued access to equipment and parts during the transition process.¹⁵ As stated by the Joint Petitioners, "the current prohibitions might cause manufacturers to determine that it is not financially prudent to continue producing replacement parts or servicing 25 kHz equipment" after the manufacturing deadlines, but before the licensees compliance deadlines.¹⁶ Such an effect, and a very realistic effect at that, would be devastating for the land mobile community.

Moreover, a stay of the Commission's January 2004 deadline for modification applications would promote the public interest, as licensees seek their own, internal implementation strategies based on regulatory flexibility, that meet budget constraints and interoperability needs.¹⁷ These concepts are supported on record by virtually all commenters on the Joint Petition and the APCO Petition.¹⁸ Simply stated, a date certain with which to comply

¹³ Petition at p. 7 and n 15.

¹⁴ As noted by the Joint Petitioners, however, waivers concerning equipment availability may be difficult to justify, given that equipment has been available since 1997 and conversion is, for the most part, easy and inexpensive. Petition at p. 11.

¹⁵ Petition at p. 10-12. *See also*, API Partial Opposition; Rural/Metro Comments

¹⁶ Petition at p. 12.

¹⁷ Petition at p. 12-13.

¹⁸ *See* API Partial Opposition; Rural/Metro Comments; Ex Parte Comments of the National Rural Electric Cooperative Association, WT Docket No. 99-87, September 23, 2003; Petition for Reconsideration of the Association of Public-Safety Communications Officials-International, Inc., WT Docket No. 99-87, August 18, 2003 (APCO Petition). *See also*, numerous public safety licensee letters supporting the APCO Petition: Carpentersville Fire Department; City of Canton; City of Highland Park; Clannahon Fire Protection; Des Plaines Fire Department; Illinois Fire Chiefs Association; Lake County

and the regulatory flexibility to do so based on individual licensee's business model or government budgetary process will promote the Commission's goals by bringing market forces to bear, while promoting spectral efficiency and regulatory flexibility.

IV. Conclusion

ITA fully supports the Commission efforts to facilitate the migration to narrowband equipment in PMRS spectrum. As discussed above, in order to ensure an effective and timely transition to spectrally efficient technologies, ITA urges the Commission to accelerate the non-public safety date certain for migration to 12.5 kHz operations to January 1, 2008, while also eliminating the interim manufacturing deadlines and staying the January 2004 date for modifications of wideband licenses.

Respectfully submitted,

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By: /s/ Jeremy Denton

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October 6, 2003

Fire Chief's Association; Los Angeles County; Marion County Emergency Telephone System Board; Mutual Aid Box Alarm System; MABAS Division #2; METCAD Champion County, Illinois; Peoria, Illinois Fire Department; QuadCom; Regional Emergency Dispatch Center; T.E. Saskho; Sparta Fire Department; Sullivan Fire Protection District; Village of Oak Park; and Village of Riverside. All of these comments were filed in WT Docket No. 99-87 in support of the APCO Petition.

CERTIFICATE OF SERVICE

I, Robin Landis, do hereby certify that on the 6th day of October 2003, I forwarded to the parties listed below a copy of the foregoing Comments of the Industrial Telecommunications Association, Inc. via hand delivery:

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